

II. REMARKS

Preliminary Remarks

Reconsideration and allowance of the present application based upon the following amendment and following remarks are respectfully requested. Claims 30-34 are currently pending.

On page 2 of the official action, the examiner objected to the specification because the sequence filed by the applicants was allegedly not the same material as disclosed by Green *et al.*, *Gene* 161:57-61 (1995) (hereafter Green *et al.*). The examiner requested the applicants replace SEQ ID NO: 6 with one that is 100% identical to the 2364 amino acid sequence disclosed by Green *et al.* and submit a substitute computer readable form of the "Sequence Listing," a substitute paper copy of the "Sequence Listing," a "Statement Pursuant to 37 C.F.R. §1.821," and a "Statement Pursuant to 37 C.F.R. §1.132". The applicants hereby submit a substitute computer readable form of the "Sequence Listing," a substitute paper copy of the "Sequence Listing," a "Statement Pursuant to 37 C.F.R. §1.821," and a "Statement Pursuant to 37 C.F.R. §1.132" as requested by the examiner. The applicants respectfully submit that the content of the sequence listing information recorded in the computer readable form is identical to the written sequence listing. In addition, the applicants submit that the mandatory material related to SEQ ID NO: 6 consists of the same material previously incorporated by reference to Green *et al.* and includes no new matter.

The applicants do not intend by these or any amendments to abandon subject matter of the claims as originally filed or later presented, and reserve the right to pursue such subject matter in continuing applications.

Patentability Remarks

Rejection Under 35 U.S.C. §112, First Paragraph

On page 2 of the official action, the examiner rejected claims 30-34 under 35 U.S.C. §112, first paragraph, for allegedly lacking written description. Specifically, the examiner alleged claims 30-34 have been amended to include SEQ ID NO:6 and are considered new matter because SEQ ID NO: 6 was not exactly the same material as disclosed in Green *et al.*

The applicants respectfully submit that the substitute sequence listing, specifically SEQ ID NO: 6, now consists of the same material as taught in the Green *et al.* reference and include no new matter. In view of the foregoing submissions and remarks, the applicants

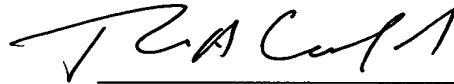
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believe that the rejection of claims 30-34 under 35 U.S.C. §112, first paragraph, has been overcome and should be withdrawn.

III. CONCLUSION

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains at issue which the examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Respectfully submitted,
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